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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,979	03/27/2000	Tomasz Duczmal	856.1043	4057

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EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/535,979

Applicant(s)

DUCZMAL ET AL.

Examiner

Sajeda Muhebbullah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Abstract should avoid using the phrase "the present invention". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1-6, 8, 10-14, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ballard (US 6,182,050).

As per claim 1, Ballard teaches a system for dynamic display of marketing campaigns on display locations via a network comprising:

a database for storing advertising material (col.6, lines 40-41);

at least one display location for displaying said advertising material (col.6, lines 2-3);

a server for managing said advertising material provided to said at least one display location (col.6, lines 26-33); and

a plurality of input sources for providing scheduling information and said advertising material to said server for scheduling said display of said advertising material on said at least one display location (col.8, lines 46-50; col.10, lines 61-65).

As per claim 2, Ballard teaches the advertising material to be at least one image object (col.8, lines 47-48).

As per claims 3-5, Ballard teaches the display location to comprise a computerized device, wherein said computerized device comprises a display device, wherein said display device is one of an LCD panel, an LED panel, a projecting device utilizing digital light processing device or a cathode ray tube (CRT) (col.6, lines 2-3).

As per claim 6, Ballard teaches the system wherein the server comprises:

a distribution engine for uploading said scheduling information and said advertising material from said plurality of input sources, for managing said advertising material and for providing said advertising material to said at least one display location (col.8, lines 46-50; col.10, lines 60-65); and

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a slot allocator for monitoring said scheduling of said display (col.10, lines 60-65).

As per claim 8, Ballard teaches the system wherein the server further comprises a monitoring system for providing a view of the advertising material, allocated to a display location, to at least one of the plurality of input sources (col.10, lines 1-15; *when considering the advertiser to be a subset of the locations retrieving the advertisement, it is inherent that the advertisement can be viewed by the advertiser if the advertiser tunes/logs in to view the ad at the time allocated for displaying the ad*).

As per claim 10, Ballard teaches the network to be the Internet (col.4, line 56).

Claim 11 is similar in scope to claim 6, and is therefore rejected under similar rationale.

As per claims 12-13, Ballard teaches the step of searching for a display location before the step of selecting a time slot from the available time slots and retrieving display location data (col.10, lines 47-65).

As per claim 14, Ballard teaches the step of checking said advertising material for technical integrity before the step of storing said advertising material in a database (*inherent step performed by databases in order to prevent data corruption*).

As per claim 17, Ballard teaches a computerized billboard comprising:

a display device, a communicator, an objects storage, and a processor wherein said processor comprises operating system software, display software, communication software, object manager software, and FTP/VPN transfer software (col.5, lines 10-12; col.6, lines 2-5; *fig.2, elements not explicitly shown are inherent to allow the system to operate as expected*).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 9, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard (US 6,182,050).

As per claim 7, Ballard teaches the system wherein the server further comprises a transaction system for enabling payment and status checking (col.10, lines 36-41). However, Ballard does not explicitly disclose the transaction system for enabling cancellations. Official Notice is given that provision for operations such as initiation and cancellation of transactions within a marketing system were well known in the art at the time of the invention. It would have been obvious to an artisan at the time of the invention to include the enabling of cancellations with Ballard's teaching in order for the advertiser to withdraw the display of advertisements that are no longer desired.

As per claim 9, Ballard teaches the system wherein the server further comprises:

a location identifier for providing description, statistical and technical information concerning said at least one display, location to at least one of said plurality of input sources (col.6, lines 64-67; col.7, lines 1-12).

As per claims 15-16, Ballard teaches the step of performing financial transactions wherein the step of performing financial transactions comprises the steps of calculating transaction fees and aggregating air time information (col.10, lines 29-41). Although, Ballard

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teaches the financial transactions to be performed during the subscription process, Ballard does not disclose the transactions to take place before uploading the advertising material. Official Notice is given that financial transactions taking place prior to granting a service such as in the example of charging a flat fee before providing a service was well known in the art at the time of the invention. It would have been obvious to an artisan at the time of the invention to perform financial transactions before further processing with Ballard's teaching as a choice of business practice.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Horstmann (US 6,285,985) teaches the distribution of advertisements from an advertisement server.
- Srinivasan et al. (US 6,357,042) teaches the use of an ad server in distributing ads to users.

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Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (703) 305-3989. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah
Patent Examiner
August 5, 2002

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100